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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/651,465

08/30/2000

Victor Kouznetsov

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT

PAPER NUMBER

2137

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DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,465

Applicant(s)

KOUZNETSOV ET AL.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- 1 Claims 1-19 are pending.

Specification

2. The disclosure is objected to because of the following informalities:

On page 20, line 3, "priori" should be "prior".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5, 7-9 and 15-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to neither a "system" nor a "method", but rather embraces or overlaps two different statutory classes on invention.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 5, 7-9 and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claims 5 and 7-8 relate to "system" claim 1, yet they comprise method steps, they are held to be ambiguous.

b) Claim 15 relates to "system" claim 11, yet claim 11 is the "method" claim, it is held to be ambiguous.

c) Claims 16-17 relate to "method" claim 10, yet it is stated that "the system of claim 10", they are held to be ambiguous.

d) Claims 18-19 relate to a "system" claim, yet they comprise method steps, they are held to be ambiguous.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 3-6, 8-9, 12-14 and 16-17** are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis, US Patent 6,233,576.

a) **As to claim 1**, Lewis discloses a method and system for enhancing security for computer system resources with a resource access authorization control facility that creates files and provides increased granularity of resource permission (col. 1, lines 1-6). The invention's title and Fig. 1 anticipate a system for providing application services (col. 8, lines 22-28) having both user-mode processes and privileged-mode process comprising: an agent executing in privileged mode (col. 12, lines 5-10) and exposing an interface to user-mode processes (col. 8, lines 57-67 to col. 9, lines 1-2); a user-mode component having an interface configured to accesses the agent's exposed interface (col. 8, lines 28-32; lines 57-67 to col. 9, lines 1-2); and a configuration component (col. 10, lines 34-36) specifying a list of installable code components that are authorized for installation, wherein the agent will only execute privilege mode functions in response to accesses by the user-mode code component when the installable code component is represented on the list (Fig. 1, element 80; col. 8, lines 32-44; col. 12, lines 64-67 to col. 13, lines 1-9).

b) **As to claim 3 and 12**, Lewis discloses the system further comprising a user interface implemented within the user-mode component (col. 8, lines 57-67 to col. 9, lines 1-2; col. 12, lines 3-4).

c) **As to claim 4**, the examiner takes official notice that use of application software installation wizard for guiding with application installation is well known in the computer world.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of application software installation wizard in the system of Lewis so as to make installation process interactive and easy.

d) **As to claim 5 and 13**, Lewis discloses the system wherein the agent comprises methods for creating an instance of an installation program in accordance with a definition supplied in the configuration component (col. 12, lines 64-67 to col. 13, lines 1-9).

e) **As to claims 6 and 14**, Lewis discloses the system wherein the agent behavior is configured by the contents of the configuration component (Fig. 2: col. 15, lines 38-67).

f) **As to claims 8 and 16**, as best understood, Lewis discloses the system comprising specifications within the configuration component specifying a list of objects that are permitted to be created by the agent (col. 12, lines 64-67 to col. 13, lines 1-9) and methods within the agent that are responsive to the list of objects to prevent creation of any object unless it is specified on the list of objects (col. 13, lines 41-48).

g) **As to claims 9 and 17**, as best understood, the examiner takes official notice that use of specified instruction for installing program components into an operating system is comprised within the configuration component is well known in the computer world.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of comprising installation instructions within the configuration component in the system of Lewis so as to make installation process interactive and easy.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2, 7, 10-11, 15 and 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, US Patent 6,233,576 in view of Jaeger and Rubin, "Protocols for Authenticated Download to Mobile Information Appliances".

a) **As to claims 2, 7, 11 and 15**, Lewis does not disclose the system wherein the configuration component includes a digital signature and the digital signature is authenticated using the agent.

Jaeger discloses file authentication is achieved by using a cryptographic digest of file f to see if it matches a cryptographic digest of a file whose identity matches f (page 4, middle of second column).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of digital signing to authenticate the requested files in the system of Lewis, as Jaeger teaches, so as to improve the authenticity of the downloaded files.

b) **As to claim 10**, it is largely identical to claim 1 with the steps of authenticating the configuration file comes from a trusted source.

Jaeger discloses file authentication is achieved by using a cryptographic digest of file f to see if it matches a cryptographic digest of a file whose identity matches f (page 4, middle of second column).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of digital signing to authenticate the requested files in the system of Lewis, as Jaeger teaches, so as to prevent downloading files from the untrusted sources.

c) **As to claim 18**, Lewis discloses an application installation agent executing in a privileged mode in a computing environment having both user-mode processes and privilege-mode processes (Fig. 1) comprising: an interface for receiving a message specifying a configuration file; a set of methods for accessing the configuration file (Fig. 2); a set of methods for executing privileged-mode processes specified in the configuration file in response to authenticating the source of the configuration file (Fig.2). However, Lewis does not disclose the step of authenticating the source of the configuration file.

Jaeger discloses the step of verifying the authenticity of downloaded files (Fig. 2, page 6, heading "5 Protocol Definitions").

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of digital signing to authenticate the requested files in the system of Lewis, as Jaeger teaches, so as to prevent downloading files from the untrusted sources.

d) **As to claim 19**, Lewis discloses the step of determining whether specific privileged-mode processes are permitted by the configuration file (col. 12, lines 64-67 to col. 13, lines 1-9).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

a) US 5,361,359 to Tajalli et al. discloses system and method for controlling the use of a computer.

b) US 6,393,569 to Orenshteyn discloses secured system for accessing application services from a remote station.


c) US 6,308,182 to Nishigaya et al. discloses information processing apparatus.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 703-305-9727. The examiner can normally be reached on M-F 6:00-2:30.

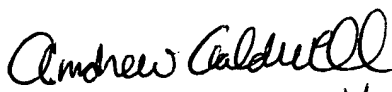
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 703-306-3036. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2137

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


mdn
8/17/04

Minh Dieu Nguyen
Examiner
Art Unit 2137


Andrew Caldwell